

Steering Committee on Media and Information Society

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

5th Meeting - 3 to 6 December 2013 (Strasbourg, Palais de l'Europe, room 7)

**Meeting report
CDMSI(2013)015
05/02/2014**

1. and 2. Opening of the meeting – adoption of the agenda

1. The CDMSI adopted the agenda and agreed to it. It discussed the order of business, agreed that a degree of flexibility was necessary and adopted it (appendix I).

2. The Ukrainian delegate informed the CDMSI on the current situation in Ukraine. She assured that, in the undesirable event of violence against journalists, each case would be duly investigated and prosecuted.

3. Information by the Chair and the Secretariat

3. New delegates and observers were welcomed.

4. The CDMSI took note of the information provided by Jan Kleijssen, Director of Information Society and Action against Crime, and held an exchange of views with him.

5. Responding to proposals by Jan Kleijssen, the CDMSI decided that in each of its future meetings, a specific item of the agenda should offer member States the possibility to report on their implementation and dissemination at domestic level of adopted standards. In that respect, suggestions were made to facilitate implementation of adopted texts and its follow-up, such as a cover page or a list of suggestions, to be attached to the adopted texts.

6. Noting the adoption of the Council of Europe budget for 2014 and 2015, the CDMSI also discussed the critical situation of resources in the Media and Information Society Department and expressed serious concern about the lack of stability in terms of staff, in the Media cooperation Unit and the Media Division. Furthermore, while recognising the growing importance of Internet governance, it insisted that supporting this line of work with resources should not be carried out at the expense of media issues. It stressed that, under the current circumstances, it might not be possible to give adequate follow up to the outcomes of the Ministerial Conference in Belgrade. Members asked to be informed in advance of scheduled Committee of Ministers meetings, in particular in respect of budgetary matters, in order to be able to liaise with their Permanent Representation.

7. Jan Kleijssen warmly thanked Andris Mellakauls for his excellent chairing of the CDMSI, but also of the CDMC and the transition from the one to the other, which he very skilfully accompanied.

3.1 Declaration on risks to fundamental rights stemming from digital tracking and other surveillance technologies

8. The CDMSI noted the adoption by the Committee of Ministers on 12 June 2013, of the Declaration on risks to fundamental rights stemming from digital tracking and other surveillance technologies. It noted that a motion for a resolution on “Massive eavesdropping in Europe” was tabled by members of the Parliamentary Assembly.

3.4 Recommendation on gender equality and media

9. The CDMSI also took note of the adoption by the Committee of Ministers on 10 July 2013 of the Recommendation on gender equality and media and discussed possible ways and indicators for its implementation.

10. As CDMSI gender rapporteur, Cristina Lamprou (Greece), together with Bissera Zankova (Bulgaria), reported on the Conference of the Council of Europe Gender Equality Commission, organised in partnership with the Ministry of Education, Culture and Science of the Netherlands on “Media and the image of women” (Amsterdam, 4-5 July 2013), which they attended on behalf of the CDMSI.

11. The CDMSI also took note of the Council of Europe Gender Equality Strategy 2014-2017, and agreed that the incoming Bureau of the CDMSI should consider closer co-operation with the Gender Equality Commission. It also noted that the issue of gender equality and the media is also a concern among the audio-visual regulators.

3.3 Committee of Ministers thematic debate

12. The CDMSI held an exchange on the thematic debate to take place on 12 December 2013 on the “Safety of journalists – Further steps for the better implementation of human rights standards”. It met the Austrian Permanent representative, Ambassador Rudolf Lennkh, who, as chairperson of the Committee of Ministers, will moderate the debate. It noted that the debate will be streamed via internet and that Gvozden Srećko Flego, Rapporteur on Protection of Media Freedom in Europe of the Committee on Culture, Science, Education and Media of the Parliamentary Assembly, Nils Muižnieks, Council of Europe Commissioner for Human Rights, Michael O’Boyle, Deputy Registrar of the European Court of Human Rights, and William Horsley, Media Freedom Representative of the Association of European Journalists, have accepted to participate in the debate.

13. The CDMSI also held an exchange with Guy Berger, Director of the Division of Freedom of Expression and Media Development of UNESCO (FEM), on the work done by UNESCO on the UN Plan of Action on the Safety of Journalists and the issue of Impunity, on digital issues and the opportunities offered by the current review process of the World Summit on the Information Society and the Millennium development goals. Mr Berger affirmed the strong basis for joint activities between the Council of Europe and UNESCO, ideally within the framework of a partnership agreement focused on co-operation about safety of journalists. The CDMSI noted and supported the proposal to set up a joint steering group including also the OSCE and to finalise arrangements concerning this project by exchange of letters.

3.4 Chairmanship of the Committee of Ministers

14. The CDMSI took note of the priorities of the Austrian Chairmanship of the Committee of Ministers (November 2013 – May 2014), in particular, freedom of expression and the safety of journalists and a mid-term review conference of the Council of Europe Internet Governance Strategy 2012-2015, that will take place in Graz on 13 and 14 March 2014.

3.5 Conference “The hate factor in political speech – where do responsibilities lie?” Warsaw, 19-20 September 2013

15. The CDMSI took note of the Conference “The hate factor in political speech – where do responsibilities lie?” co-organised with the Polish Ministry of Administration and Digitalisation and funded by EEA Grants and Norway Grants (Warsaw, 19-20 September 2013). It agreed to establish contact with ECRI, the secretariat of the campaign “Young People Combating Hate Speech Online” and all other relevant Council of Europe bodies for a possible follow-up. The report of the conference was fed into the Belgrade Ministerial Conference in November 2013.

16. Many delegations stated that hate speech is a matter of concern in their countries. However, caution should be exercised when dealing with the topic, to ensure that due account is taken of legal requirements concerning freedom of expression. In that respect, guidance to strike a balance could be found in the case-law of the European Court of Human Rights.

17. The representative of EPRA announced that hate speech could be a topic for one of EPRA’s future plenary meetings in 2014.

4. Council of Europe Conference of Ministers responsible for Media and Information Society (Belgrade, 7-8 November, 2013)

18. The CDMSI warmly thanked Serbia for hosting the conference and for their exquisite hospitality. It unanimously recognised the success of the conference, and the quality of the interventions and debates. In her turn, the Serbian delegate commended the Secretariat for its role in organising the conference.

19. The Committee noted, that following the Secretary General’s presentation of the conference report on 10 December 2013, the Committee of Ministers would decide on actions for the CDMSI’s work for the coming years. It stressed that this will require prioritisation, taking account of available or allocated resources.

5. Media

5.1 Draft Declaration of the Committee of Ministers on the protection of journalism and safety of journalists and other media actors

20. The CDMSI considered the draft declaration, which was prepared by the informal drafting group on safety of journalists set up for the purpose. The CDMSI finalised the draft text and agreed to submit it to the Committee of Ministers for adoption with some editorial changes (appendix II).

21. Reiterating a statement made in Belgrade about the Resolution on safety of journalists, the Russian Federation made the following statement: “The Russian Federation has to place formally on record that while it supports the main ideas of the Declaration on the protection of journalism and the safety of journalists, the Russian

Federation considers it necessary to disassociate itself from using the term "other media actors" which has no basis in binding international legal documents. The Russian Federation does not consider that the use of the term "other media actors" in the Declaration can be interpreted even in the form of recommendation, as giving any special legal status to bloggers, human rights defenders, whistle-blowers or "others who perform public watchdog functions", as well as to the so-called "new media", which is merely a tool for certain individuals to exercise their right to freedom of expression. The problems of the protection and safety of the mentioned category may be discussed and regulated separately. The Russian delegation draws the Committee's attention to the fact that the Declaration is applicable only in the measure of its compatibility with the Russian Federation's Constitution, federal legislation and international treaty obligations and has no influence on positions that the Russian Federation may take on the issue, both in the Council of Europe and in other fora."

22. Consequently, the Russian Federation placed a reservation to the draft declaration, which will be mentioned in a footnote.

5.2 Transparency of media ownership

23. The CDMSI took note of the report by the Chairperson of a conference organised by Access Info on "Transparency of Media Ownership" (Brussels, 24/09/2013) and discussed the issue. There was consensus that transparency of media ownership is desirable but remains problematic in many countries. The Committee agreed that further Council of Europe work on this subject is desirable.

5.3 Co-operation and outreach, on-going and future activities

24. The CDMSI took note of the oral information provided by the Secretariat, in particular in respect of a co-operation project in Hungary on media legislation, to be funded by the Norway Grants and the current Ukraine project funded by the Foreign Affairs, Trade and Development Canada (DFATD) on the integration of European standards into the Ukrainian media environment. Furthermore, it took note of on-going negotiations with the European Commission on a joint media project in Ukraine on strengthening information society in Ukraine. It asked the Secretariat to provide complete written information on on-going projects and project proposals.

25. Emphasizing that co-operation projects are excellent, it also noted with concern the difficult resources situation of the Media Co-operation Unit (see item 3, paragraph 6). It stressed that co-operation is an important element of implementation of adopted standards and that it should be an important part of Council of Europe work. Some delegations asked the Secretariat to provide the CDMSI with clear explanation of the situation, constraints procedures and rules regarding the running of co-operation projects, in particular of projects funded by extra-budgetary resources.

6. Information Society and Internet governance

6.1 Draft Committee of Ministers' Recommendation to member states on a Guide on human rights for Internet users

Draft explanatory memorandum to the draft Committee of Ministers recommendation on a Guide on human rights for Internet users

26. The Vice-chair of the MSI-DUI, Thomas Schneider presented the work carried out by the MSI-DUI, in particular the results of its two last meetings, of the working meeting of 10 September 2013 and of the last one which took place on 1 and 2 October 2013. He

explained the proposals of the MSI-DUI to the CDMSI which included a draft Committee of Ministers recommendation to which a guide on human rights for Internet users is appended (draft guide) accompanied by its explanatory memorandum. The format of the draft recommendation had been discussed at length; a decision was finally taken in favour of a “user friendly”, easily accessible and usable format directed to users.

27. The Secretariat informed the CDMSI about the multi-stakeholder consultations that the MSI-DUI had agreed to be carried out along three tracks, with Council of Europe steering and conventional committees, with stakeholders at the Internet Governance Forum (22-25 October 2013, Indonesia) as well as with a number of selected stakeholders, representing the private sector, civil society, the technical community and academia. The CDMSI took note of the comments on the draft recommendation submitted by the Steering Committee for Human Rights (CDDH) and the European Committee on Legal Cooperation (CDCJ) and of a number of suggested edits to the draft guide which were proposed by various stakeholders.

28. The CDMSI thanked the MSI-DUI for the excellent work carried out. It approved the general approach of the draft recommendation and it discussed, examined and amended it. The CDMSI asked that the guide appended to it should include a reference to the explanatory memorandum of the draft recommendation in a footnote. Moreover, follow-up action to bring the guide closer to users is needed, subject to budgetary resources.

29. In the absence of a quorum for approval towards the end of the meeting, the CDMSI agreed that comments on the draft recommendation and/or the explanatory memorandum could be sent by e-mail to the Secretariat until 16 January 2014. In the absence of any reactions, the draft recommendation and the explanatory memorandum will be considered as approved by the Committee and will be transmitted to the Committee of Ministers for consideration with a view to possible adoption.

6.2 Follow-up to specific instruments on the Internet adopted by the Committee of Minister

30. The CDMSI held an exchange of views with experts on a report on “Protecting Human Rights through Network Neutrality; Furthering Internet Users’ Interest, Modernising Human Rights and Safeguarding the Open Internet”; and agreed that more work should be done on the topic.

31. It also took note of a report of the Council of Europe Conference “Internet freedom – a shared commitment”, held in Strasbourg on 24 and 25 September 2013 and agreed that transparency on Internet governance would deserve the Council of Europe to allocate resources to further work that could be carried out by the new Committee of experts on cross-border flow of Internet traffic and Internet freedom (MSI-INT). The question of resources was a recurring issue of discussion (see item 3, paragraph 6).

6.3 Drafting of an instrument on cross-border flow of Internet traffic

32. The CDMSI took note of an experts’ report on interferences with cross-border flow of Internet traffic and of the conclusions drawn. Following debate, on the basis of the draft terms of reference of the CDMSI for 2014-2015 and of the draft terms of reference of the Committee of experts on cross-border flow of Internet traffic and Internet freedom (MSI-INT), it decided to engage further on the topic, in view of preparing a draft Recommendation on the matter.

6.4 Council of Europe Internet Governance Strategy 2012-2015

33. The CDMSI took note of the information by the Secretariat on the state of play of the implementation of the Strategy and of the schedule for the Secretary General's mid-term review, which is foreseen to be submitted to the Committee of Ministers by the end of January 2014. It also noted the mid-term review Conference to be held on 13-14 March in Graz under the Austrian chairmanship of the Committee of Ministers (see item 3.4, paragraph 14).

Cooperation and outreach, on-going and future activities

6.5 European Dialogue on Internet Governance (EuroDIG, Lisbon, 20-21 June 2013)

34. The CDMSI took note of the information on the 6th edition of EuroDIG provided by its members who participated and by the Secretariat. It noted the "Message from Lisbon" that was sent to the IGF in Indonesia.

35. It also took note of the preparation of and information on the next EuroDIG that will take place in Berlin on 12-13 June 2014.

6.6. Internet Governance Forum (IGF, Indonesia, 22-25 October 2013)

36. The CDMSI took note of the information by the Secretariat on Council of Europe contributions to and participation in the IGF.

37. It also noted that the next edition of the IGF will take place in Istanbul in September 2014. This may enable more CDMSI delegate to attend it.

6.7 On-going and future co-operation activities

38. The CDMSI took note of Internet governance and human rights co-operation proposals included in the Action Plans for Ukraine, Moldova, Georgia, Armenia, Azerbaijan and Kosovo¹.

7. Data protection

39. The CDMSI took note of the information by the Secretariat on the state of play of the modernisation work of Convention 108 and of two recommendations. The modernisation of Convention 108 has been partly transmitted to the Ad hoc Committee on data protection (CAHDATA). The work on the Recommendation on the protection of personal data used for employment purposes (CM Recommendation R. (83)2) and on the Recommendation regulating the use of personal data in the police sector (CM Recommendation R. (87)15) is taking longer than anticipated as it requires heavy work for which current resources are insufficient. Work should be completed in 2014 and 2015.

The Secretariat also reported on the work of the CAHDATA and of its 1st meeting (12-14 November 2014). It is important that the schedule of the CAHDATA work follows the one of the European Union on its draft regulation and directive to ensure complementarity.

8. Terms of reference

40. The CDMSI took note of the adoption of its Terms of Reference for 2014-2015 and of its two subordinate groups for the same period (Committee of experts on protection of

¹ All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo."

journalism and safety of journalists (MSI-JO) and Committee of experts on cross-border flow of Internet traffic and Internet freedom (MSI-INT)).

41. It discussed the composition of the two committees of experts, and agreed to make further proposals by Friday 13 December 2013. It also decided that the Bureau will finalise the composition of the two committees on the basis of proposals received by 19 December 2013.

9. CDMSI relations with other organisations and Council of Europe bodies

9.1 Parliamentary Assembly of the Council of Europe (PACE)

42. The CDMSI took note of the information by Hans Franken, Vice-Chair of the PACE Committee on Culture, Science, Education and Media, Vice-President of the Dutch Senate, on recent, on-going and future work of the Parliamentary Assembly in the area of media and internet governance and held an exchange of views with him.

9.2 Committee of Ministers Thematic Coordinator on Information Policy (TC/Inf)

43. The CDMSI held an exchange of views with the Permanent Representative of Estonia, on behalf of the Committee of Ministers Thematic Coordinator on Information Policy, Ambassador Gea Rennel.

9.3 Council of Europe NO HATE campaign

44. It took note of the campaign "Young People Combating Hate Speech Online", its current and up-coming activities and held an exchange of views with Rui Gomez, from the Secretariat of the campaign.

9.4 European Commission against Racism and Intolerance (ECRI)

45. The CDMSI took note of information by the Secretariat on the current work of the European Commission against Racism and Intolerance (ECRI).

9.5 World Forum for Democracy 2013

46. It held an exchange with Irena Guidikova on the results of the World Forum for Democracy that took place in Strasbourg from 23 to 29 November 2013.

9.6 School of Political Studies

47. It also held an exchange of views with Michael Remmert on the activities of the network of the School of Political Studies.

9.7 European Committee on Legal Co-operation

48. The CDMSI took note of information by Simon Tonelli, Secretary of the European Committee on Legal Co-operation, on the CDCJ's draft recommendation on the protection of whistle-blowers.

9.8 Internet Corporation for Assigned names and Numbers (ICANN)

49. It also held an exchange with Andrea Becalli, representative of the Internet Corporation for Assigned names and Numbers (ICANN), on recent developments and on the High-Level Panel organised to Address the Future of Internet Governance (London, 10-12 December 2013).

9.9 European Broadcasting Union (EBU)

50. The CDMSI held an exchange of views with Michael Wagner, representative of EBU, on a report on "Public Service Media under Art. 10 of the European Convention of Human Rights", commissioned after the shutdown of Greek broadcaster ERT.

51. Given the importance of the issue in many member states, it expressed the wish that some time be devoted in the next CDMSI meeting to public service media governance and to public service media in general.

9.10 European Digital Rights (EDRI)

52. The CDMSI took note of information provided by Joe MacNamee, Executive Director of European Digital Rights (EDRI) and proposals with regard to law enforcement requests to ISPs to take down Internet content without first seeking authorisation of the Court/respecting rule of law requirements.

9.11 European Internet Service Providers Association (EuroISPA)

53. It also held an exchange of views with Michael Rotert, honorary representative of the European Internet Service Providers Association (EuroISPA), in particular on a pressing call for an up-date of the Human rights guidelines for Internet service providers, developed together with the Council of Europe in 2008.

54. It agreed to consider the update of the Human rights guidelines for Internet service providers and of the Human rights guideline for on-line game producers in the framework of its work programme for the coming two years.

10. Elections

55. The CDMSI elected its chairperson, vice-chairperson, the members of its Bureau and its gender equality rapporteur with the following results: Chairperson: Maja Rakovic (Serbia), Vice-Chairperson: Thomas Schneider (Switzerland), members of the Bureau: Mark Carvell (UK); Éanna O'Conghaile (Ireland), Christina Lamprou (Greece), Emir Povolakić (BiH), Bissera Zankova (Bulgaria); Christina Lamprou as the previous gender equality rapporteur of the CDMSI was asked and agreed to continue carrying on this task.

11. Other questions

11.1 Exchange of letters on the shutdown of Greek broadcaster ERT.

56. The CDMSI took note of an exchange of letter between the Chairman of Eurimages, Mr Jobst Plog and the Secretary General of the Council of Europe.

11.2 Community Media Conference, Brno, 4-6 October 2013

57. It took note of the report from Bissera Zankova (Bulgaria) who attended the conference on behalf of the CDMSI.

11.3 Council of Europe Cultural Policy Review Programme

58. Bissera Zankova (Bulgaria) presented her brief report about the results of the evaluation of the cultural policy of Turkey.

11.4 Presidency of the European Union

59. The CDMSI took note of activities scheduled by Greece, in the framework of its Presidency of the European Union that are of interest for its work.

12. Adoption of the abridged report

60. After a first consideration of the draft, the CDMSI agreed to finalise the abridged report by e-mail exchange in the day following the meeting.

APPENDIX I

MEETING AGENDA

1. Opening of the meeting**2. Adoption of the agenda****3. Information by the Chair and the Secretariat**

3.1 Declaration on risks to fundamental rights stemming from digital tracking and other surveillance technologies

3.2 Recommendation on gender equality and media

3.3 Committee of Ministers thematic debate

3.4 Chairmanship of the Committee of Ministers

3.5 Conference "The hate factor in political speech – where do responsibilities lie?", Warsaw, 19-20 September 2013

**4. Council of Europe Conference of Ministers responsible for Media and Information Society (Belgrade, 7-8 November 2013)
www.coe.int/confmedia2013****5. Media**

Standard setting activities

5.1 Protection of journalism and safety of journalists

5.2 Transparency of media ownership

Cooperation and outreach

5.3 On-going and future activities

6. Information Society and Internet Governance

Standard setting activities

6.1 Compilation of existing rights of Internet users (MSI-DUI)

6.2 Follow-up to specific instruments on the Internet adopted by the Committee of Ministers

6.3 Drafting of an instrument on cross-border flow of Internet traffic

6.4 Council of Europe Internet Governance Strategy 2012-2015

Cooperation and outreach activities

6.5 European Dialogue on Internet Governance (EuroDIG – Lisbon 20-21 June 2013)

6.6 Internet Governance Forum (IGF, Indonesia, 22-25 October 2013)

6.7 *On-going and future activities*

7. Data protection

8. Terms of reference

9. CDMSI exchanges of views with other organisations and with other CoE bodies

10. Elections

11. Other questions

12. Adoption of the abridged report

APPENDIX II

5 December 2013

**Draft Declaration of the Committee of Ministers
on the protection of journalism and safety of journalists and other media actors²**

*(Adopted by the Committee of Ministers
at the **the meeting of the Ministers' Deputies)*

1. Journalists and other media actors in Europe are increasingly being harassed, intimidated, deprived of their liberty, physically attacked and even killed because of their investigative work, opinion or reporting. These abuses and crimes are often met with insufficient efforts by relevant state authorities to bring the perpetrators to justice, which leads to a culture of impunity.
2. This alarming situation is not exclusively limited to professional journalists and other traditional media actors. As the United Nations Human Rights Committee in its General Comment No. 34³, and other intergovernmental bodies have recognised, the scope of media actors has enlarged as a result of new forms of media in the digital age.⁴ Those at risk also include others who contribute to shaping public debate and persons performing journalistic activity or public watchdog functions.
3. The right to freedom of expression, to receive and impart information, ideas and opinions without interference is guaranteed by the European Convention of Human Rights (article 10) and constitutes one of the fundamental principles upon which a democratic society is based. The public watchdog functions of the media are crucial for upholding these rights and for the protection of all other human rights. Misuse of power, corruption, discrimination, criminal activity and human rights violations have come to light as a direct result of the work of investigative journalists and other media actors. Making the facts known to the public is essential for redressing such situations and holding to account those responsible.
4. Journalists and others who perform public watchdog functions through the media are often in a vulnerable position vis-à-vis the public authorities or powerful interests groups because of their role in informing the public and provoking debate on issues of public interest. Obstacles created in order to hinder access to information of public interest may not only discourage journalists and other media actors from fulfilling their public watchdog role,⁵ but may also have negative effects on their safety and security.
5. Attacks against journalists and other media actors constitute particularly serious violations of human rights because they do not only target individuals but deprive others of their right to receive information, thus restricting public debate, which is at the heart of pluralist democracy.
6. The European Court of Human Rights has held that the role played by journalists in a democratic society confers upon them certain increased protections under Article 10 of the Convention. The exercise of media freedom, including in relation to matters of serious

² The Russian Federation made a reservation concerning the CM draft Declaration specifically denying its application to "other media actors" as the Russian Federation considers this term to be unspecific and without any basis in binding international legal documents.

³ Journalism is a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere, and general State systems of registration or licensing of journalists are incompatible with paragraph 3. Limited accreditation schemes are permissible only where necessary to provide journalists with privileged access to certain places and/or events. Such schemes should be applied in a manner that is non-discriminatory and compatible with article 19 and other provisions of the Covenant, based on objective criteria and taking into account that journalism is a function shared by a wide range of actors.

⁴ See CM/Rec (2011)7 on a new notion of media.

⁵ See in this regard *Társaság A Szabadságjogokért v. Hungary* no. 37374/05, 14.04.2009, para 38.

public concern, also involves duties and responsibilities. The safeguard afforded by Article 10 to journalists in relation to reporting on issues of general interest is subject to the proviso that they are acting in good faith in order to provide accurate and reliable information in accordance with the ethics of journalism'.⁶

7. The European Court of Human Rights has established that states are required to create a favourable environment for participation in public debate by all persons, enabling them to express their opinions and ideas without fear.⁷ To do this, States must not only refrain from interference with the individual's freedom of expression, but are also under a positive obligation to protect their right to freedom of expression against the threat of attack, including from private individuals, by putting in place an effective system of protection.
8. Eradicating impunity is a crucial obligation upon States, as a matter of justice for the victims, as a deterrent with respect to future human rights violations and in order to uphold the rule of law and public trust in the justice system.⁸ All attacks on journalists and other media actors should be vigorously investigated in a timely fashion and the perpetrators prosecuted. The effective investigation of such attacks requires that any possible link to journalistic activities is duly taken into account in a transparent manner.
9. A favourable environment for public debate requires States to refrain from judicial intimidation by restricting the right of individuals to disclose information of public interest through arbitrary or disproportionate application of the law, in particular the criminal law provisions relating to defamation, national security or terrorism. The arbitrary use of laws creates a chilling effect on the exercise of the right to impart information and ideas, and leads to self-censorship. Furthermore, prompt and free access to information as the general rule and strong protection of journalists' sources are essential for the proper exercise of journalism, in particular in respect of investigative journalism.⁹
10. Surveillance of journalists and other media actors and tracking of their online activities can endanger the legitimate exercise of freedom of expression if carried out without the necessary safeguards and can even threaten the safety of the persons concerned. It can also undermine the protection of journalists' sources.
11. In view of the foregoing, the Committee of Ministers
 - alerts member states to the increasing number of reports of attacks on journalists and other media actors in several parts of Europe, including specific dangers female journalists are faced with. These constitute attacks on the right to freedom of expression, to hold opinions and to receive and impart information and ideas and to other fundamental rights provided for in the European Convention on Human Rights;
 - commits itself to facilitating the development of internet-based platform drawing on information supplied by interested media freedom organisations to record and publicise possible infringements of the rights guaranteed by Article 10 of the European Convention on Human Rights
 - urges member States to fulfil their positive obligations to protect journalists and other media actors from any form of attack and to end impunity in compliance with the European Convention on Human Rights and the case-law of the European Court of Human Rights; and to review at least once every two years the conformity with these obligations on the part of member States;
 - encourages member States to contribute to the concerted international efforts to enhance the protection of journalists and other media actors, by ensuring that legal frameworks

⁶ E.g. Standard Verlagsgesellschaft mbH (No 2) v. Austria no. 37464/02, 22.2.2007, para. 38.

⁷ Dink v. Turkey nos. 2668/07, 6102/08, 30079/08, 7072/09, 7124/09, 14.09.2010, para 137.

⁸ See Guidelines of the Committee of Minister of the Council of Europe eradicating impunity for serious human rights violations adopted on 30 March 2011.

⁹ E.G. Council of Europe Convention on Access to Official Documents (CM Recommendation no. R(2000) 7 on the right of journalists not to disclose their sources of information.

and law enforcement practices are fully in accord with international human rights standards. The implementation of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity is an urgent and vital necessity;

- will intensify its standard setting and co-operation activities for the protection of journalism and the safety of journalists and other media actors as a priority and contribute expertise to other international organisations with regard to the particular competence of the Council of Europe;
- will consider further measures to ensure the protection of journalists from threats and acts of violence as well as measures to eradicate impunity; and alignment with the European Convention on Human Rights of laws and practices concerning defamation, anti-terrorism and protection of journalists' sources;
- will address the specific challenges and threats that women journalists are confronted with in the course of their work.

APPENDIX III

List of participants

Total number of participants : 72

Gender distribution – 47 men (65%) / 25 women (35%)

Parité entre hommes / femmes - 47 hommes (65%) / 25 femmes (35%)

ARMENIA/ARMENIE

Mr Garegin Chugaszyan
Executive Director, IT Foundation

AUSTRIA/AUTRICHE

Mr Matthias Traimer
Federal Chancellery, Head of Department, Media Affairs and Information Society, Federal Chancellery, Constitutional Service

AZERBAIJAN

Ms Jeyran Amiraslanova
Senior Consultant for Public and Political Issues, Office of the President of the Republic of Azerbaijan

BOSNIA AND HERZEGOVINA/BOSNIE-HERZEGOVINE

Mr Emir Powlakic
Head of Division for Licensing, Digitalization and Coordination in Broadcasting, Communications Regulatory

BULGARIA/BULGARIE

Ms Bissera Zankova, Media Expert / Consultant
Ministry of Transport, IT and Communications

CROATIA/CROATIE

Ms Doris Kurtov
Directorate for International Cooperation and EU Funds
Head of Service for Bilateral and Multilateral Cultural Cooperation, Ministry of Culture

CYPRUS/CHYPRE

Ms Eleonora Gavrielides
Ministry of Interior

CZECH REPUBLIC/REPUBLIQUE TCHEQUE

Mr Artuš Rejent
Media and Audio-Visual Department, Ministry of Culture

ESTONIA/ESTONIE

Mr Tanel Tang
Deputy to the Permanent Representative of Estonia to the Council of Europe

FRANCE

Ms Sophie Verrier
Bureau des affaires européennes et internationales, Direction Générale des Médias et des Industries Culturelles, Ministère de la Culture et de la Communication
Ms Catherine Souyri-Desrosier
Ministère des Affaires étrangères, Direction de la coopération culturelle, universitaire et de la recherche, Pôle de l'audiovisuel extérieur

GEORGIA/GEORGIE

Ms Tamar Kintsurashvili
General Director of Public Broadcasting

GERMANY/ALLEMAGNE

Mr Oliver Schenk
 Division K 31, International Media Cooperation, Federal Government Commissioner for Culture and the Media
 Mr Wolfgang Wohnhas
 Division K 31, Head of International Media Cooperation, Federal Government Commissioner for Culture and the Media
 Ms Annick Kuhl
 EU Representation of the Free State of Bavaria to the EU
 Mr Jan Wiegandt
 State Chancellery of Rhineland-Palatinate
 Mr Uwe Petry
 Adviser, Permanent Representation of Germany to the Council of Europe

GREECE/GRECE

Ms Christina Lamprou
 Head of the Department of Audiovisual Affairs, Directorate of Mass Media - General Secretariat of Information and Communication, Hellenic Republic

HUNGARY/HONGRIE

Mr György Ocskó
 International Legal Adviser, National Media and Infocommunications Authority
 Mr János Auer
 Member of the Media Council of the National Media and Infocommunications Authority

ICELAND/ISLANDE

Ms Margrét Magnúsdóttir
 Legal Adviser, Ministry of Education, Science and Culture

IRELAND/IRLANDE

Mr Éanna O'Conghaile
 Principal Officer, Broadcasting Policy Division, Department of Communications, Energy & Natural Resources,

ITALY/ITALIE

Mr Pierglugi Mazzella
 Director General, Agency for the right to university education, Professor of Information and Communication, University of Rome

LATVIA/LETONIE

Mr Andris Mellakauls (Chair)
 Information Space Integration, Ministry of Culture
 Ms Gita Keistere
 Legal Adviser, National Electronic Mass Media Council

LITHUANIA/LITHUANIE

Ms Regina Jaskėlevičienė
 Head of Information Society Division, Cultural Policy Department, Ministry of Culture of the Republic of Lithuania

MONACO

M. Serge Robillard, Chef de Division, Direction des Communications Électroniques, Principauté de Monaco

MONTENEGRO

Mr Ranko Vujovic, Executive Director, UNEM

REPUBLIC OF MOLDOVA

Ms Ana Taban, Head of Information and Media Outreach Office, Ministry of Foreign Affairs and European Integration

THE NETHERLANDS/PAYS-BAS

Mr Nol Reijnders

Deputy Head of Media Policy, Ministry of Education, Culture and Science, Department for Media, Literature, Libraries

Ms dr. P.M. van den Eijnden

Legal adviser, Ministry of the Interior and Kingdom Relations

NORWAY/NORVEGE

Mr Anders Huitfeldt

Ministry of Culture, Department of Media and Copyright

POLAND/POLOGNE

Dr Małgorzata Pęk

Deputy Director of Strategy Department, Office of The National Broadcasting Council

Mr Jarosław Sekuła

Senior expert, Department of Information Society, Ministry of Administration and Digitalization

PORTUGAL

Mr Pedro Ruivo (GMCS, Portugal, Cabinet pour les Medias ("Gabinete para os Meios de Comunicação Social"))

RUSSIAN FEDERATION / FEDERATION RUSSIE

Mr Alexander Surikov

Deputy Director, Department of Information and Press, Ministry of Communication

Mr Arseny Nedyak

Deputy Director, Department of Media, Ministry of Communication

Mr Kirill Ignatov

Adviser, Department of Media, Ministry of Communication

SERBIA/SERBIE

Ms Maja Rakovic, 1st Adviser, Serbian Embassy in France

SLOVAK REPUBLIC/REPUBLIQUE SLOVAQUE

Ms Ivana Lassakova, Director, Media Law and Audiovisual Unit

SLOVENIA/SLOVENIE

Mr Skender Adem

Undersecretary, Ministry of Culture of Republic of Slovenia

SWEDEN

Ms Lottie-Ann Lindström

Department of Culture

Mr Johan Hallenborg

Ministry of Foreign Affairs

SWITZERLAND

Mr Thomas Schneider

International Affairs, Federal Office of Communication, Federal Department for the environment, transport, energy and communication

M. Frédéric Riehl

Head of International Affairs

Federal Office of Communication, Federal Department for the environment, transport, energy and communication

M. Pierre Smolik

Federal Office of Communication, Federal Department for the environment, transport, energy and communication

„Former Yugoslav Republic of Macedonia“/ „Ex république yougoslave de Macédoine“

Ms Vesna Poposka

Head of International PR Department, Government of the Republic of Macedonia, PR Department

TURKEY/TURQUIE

Mr Mehmet Bora Sönmez

Media Expert, Radio and Television Supreme Council of Turkey

Mr. Esat Çiplak, Member, Radio and Television Supreme Council of Turkey

Mr Süleyman Demirkan

Member of Radio and Television Supreme Council

Mr Ahmet Yildirim

Ass. Prof., Member of Radio and Television Supreme Council

UKRAINE

Mrs Larysa Mudrak, Deputy Chairman of the National Television and Radio Broadcasting Council

Ms Larysa Vasylenko, Head of International Relations Division of the National Television and Radio Broadcasting Council

UNITED KINGDOM/ROYAUME-UNI

Mr Mark Carvell

Media Team, Department for Culture, Media and Sport

* * *

OBSERVERS/PARTICIPANTS

COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE / COMITE DES MINISTERS DU CONSEIL DE L'EUROPE

Ambassador Rudolf Lennkh, Austrian Permanent representative, Chairman of the Committee of Ministers

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE / ASSEMBLEE PARLEMENTAIRE DU CONSEIL DE L'EUROPE

Mr Hans Franken, Vice-Chair of the PACE Committee on Culture, Science, Education and Media, Vice-President of the Dutch Senate

Mr Rüdiger Dossow

ASSOCIATION OF COMMERCIAL TELEVISION (ACT) / ASSOCIATION DES TELEVISIONS COMMERCIALES

Mr Ross Biggam, Director General

COMMUNITY MEDIA FORUM EUROPE (CMFE)

Ms Nadia Bellardi

EUROPEAN BROADCASTING UNION (EBU) / UNION EUROPEENNE DE RADIO-TELEDIFFUSION (UER)

Dr Michael Wagner, Head of Media and Communication Law

Ms Anne-Catherine Berg, Legal Adviser

EuroISPA

Mr Michael Rotert

ASSOCIATION OF EUROPEAN JOURNALISTS (AEJ) / MEDIA FREEDOM REPRESENTATIVE

Mr William Horsley

EUROPEAN DIGITAL RIGHTS (EDRI)

Mr Joseph McNamee, Executive Director

EUROPEAN PLATFORM OF REGULATORY AUTHORITIES (EPRA) / PLATEFORME EUROPEENNE DES INSTANCES DE REGULATIONS

Ms Emmanuelle Machet, Secretary

EUROPEAN NEWSPAPER PUBLISHERS ASSOCIATION (ENPA) / ASSOCIATION EUROPEENNE DES EDITEURS DE JOURNAUX

Mr Holger Rosedal, Head of Legal Department

CONFERENCE OF INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS OF THE COUNCIL OF EUROPE / CONFÉRENCE DES ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES DU CONSEIL DE L'EUROPE

Mr Gabriel Nissim

EUROPEAN AUDIOVISUAL OBSERVATORY / OBSERVATOIRE EUROPEEN DE L'AUDIOVISUEL

Ms Susanna Nikoltchev, Executive Director

HOLY SEE / SAINT SIEGE

Dr Michael Lukas

COUNCIL OF EUROPE EUROPEAN COMMITTEE ON LEGAL COOPERATION / COMITE EUROPEEN DE COOPERATION JURIDIQUE DU CONSEIL DE L'EUROPE

Mr Simon Tonelli

COUNCIL OF EUROPE / CONSEIL DE L'EUROPE – YOUTH DEPARTMENT / SERVICE DE LA JEUNESSE (EDUCATION AND TRAINING / EDUCATION ET FORMATION)

Mr Rui Gomes

EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS / AGENCE DE L'UNION EUROPEENNE POUR LES DROITS FONDAENTAUX

Ms Jana Gajdosova, Access to Justice and Data Protection

SCHOOL OF POLITICAL STUDIES / ECOLES D'ETUDES POLITIQUES

Mr Michael Remmert

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO)

Mr Guy Berger, Director of the Division for Freedom of Expression and Media Development

ICANN

Mr Andrea Beccalli, Stakeholder Engagement Manager

ICTRecht

Mr Matthijs van Bergen, Legal advisor

* * *

INTERPRETERS / INTERPRETES

Ms Elisabetta BASSU

Mr Michael HILL

Mr André BERNHARD

Ms Marie-José HALT

* * *

SECRETARIAT

Mr Jan Kleijssen, Director of Information Society and Action against Crime, Directorate General Human Rights and Rule of Law
Mr Jan Malinowski, Head of Information Society Department, Directorate General Human Rights and Rule of Law
Dr Silvia Grundmann, Head of Media Division, Directorate General of Human Rights and Rule of Law, Secretary to the Steering Committee on Media and Information Society
Ms Onur Andreotti, Administrator, Media Division, Directorate General Human Rights and Rule of Law
Ms Anne Boyer-Donnard, Principal Administrative Assistant, Media Division, Directorate General Human Rights and Rule of Law
Mr Lee Hibbard, Administrator, Information Society Division, Directorate General Human Rights and Rule of Law
Mr James Lawson, Administrator, Information Society Division, Directorate General Human Rights and Rule of Law
Ms Elvana Thaçi, Administrator, Information Society Division, Directorate General Human Rights and Rule of Law
Ms Loreta Vioiu, Administrator, Information Society Division, Directorate General Human Rights and Rule of Law
Ms Sophie Kwasny, Administrator, Data Protection Unit, Directorate General Human Rights and Rule of Law
Ms Maria Michaelidou, Programme Advisor, Data Protection Unit, Directorate General Human Rights and Rule of Law
Ms Julia Whitham, Assistant, Directorate General Human Rights and Rule of Law
Ms Sonya Folca, Assistant, Directorate General Human Rights and Rule of Law
Ms Elisabeth Maetz, Assistant, Directorate General Human Rights and Rule of Law